

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/24/2022</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN YAN LUIS, on behalf of himself and all	:	
others similarly situated,	:	
	:	
Plaintiff,	:	22-CV-4892 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
GOLDTHREAD, LLC,	:	
	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 10, 2022, Plaintiff sued Goldthread, LLC, alleging that its failure to make its website accessible to visually impaired persons violates the Americans with Disability Act (“ADA”), the New York State Human Rights Law, and the New York City Human Rights Law, Dkt. 1;

WHEREAS on October 11, 2022, the Court ordered Plaintiff to either show cause why the case should not be dismissed for lack of standing or to move for leave to file an amended complaint by October 21, 2022, because the allegations in the Complaint in this action are at least as conclusory as the allegations in the complaints that the Second Circuit dismissed for failure to establish standing in *Calcano v. Swarovski et al.*, 36 F.4th 68, 71 (2d Cir. 2022), Dkt. 8;

WHEREAS on October 21, 2022, Plaintiff filed a one paragraph letter motion for leave to file an amended complaint that failed to attach, as an exhibit, a redlined copy of the proposed amended complaint as required by the Undersigned’s Individual Practices, Dkt. 9;

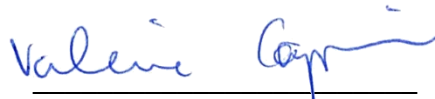
WHEREAS on October 21, 2022, the Court dismissed Plaintiff's motion without prejudice and ordered Plaintiff to refile the motion for leave to file an amended complaint in compliance with the Undersigned's Individual Practices by no later than 12:00 P.M. on October 24, 2022, Dkt. 10; and

WHEREAS Plaintiff failed to file a renewed motion for leave to file an amended pleading by the Court-ordered deadline.

IT IS HEREBY ORDERED that the case is DISMISSED without prejudice for failure to allege standing. All previously scheduled conferences and other deadlines are cancelled. The Clerk of Court is respectfully directed to terminate all open motions and to close the case.

SO ORDERED.

Date: October 24, 2022
New York, New York



VALERIE CAPRONI
United States District Judge